

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,

Plaintiff(s),

vs.

REDROCK PARK HOMEOWNER'S
ASSOCIATION, et al.,

Defendant(s).

Case No. 2:16-cv-00659-JCM-NJK

ORDER

Pending before the Court is an order for the parties to show cause why this case should not be dismissed for lack of subject matter jurisdiction. Docket No. 13. The crux of the jurisdictional uncertainty is that no showing has been made regarding the citizenship of each member of Defendants LV Real Estate Strategic Investment Group, LLC and ATC Assessment Collection Group, LLC. *See id.* at 2. These defendants failed to respond to the order to show cause, prompting the Court to issue a further order requiring a response. Docket No. 18. That further order made clear that these defendants were required to file “declarations based on personal knowledge identifying each of their members and their citizenship.” *Id.*¹

Defendant LV Real Estate Strategic Investment Group, LLC has now filed a declaration in response that fails to comply with the Court’s clear directive. Docket No. 20. First, the declaration

¹ The Court also instructed counsel to “consult relevant legal authority and ensure that this showing will be sufficient for the Court to make a finding regarding the LLC defendants’ citizenship.” *Id.*

1 refers to the “residency” of the LLC members, when the pertinent test is “citizenship.” *See, e.g., Kanter*
2 *v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001). Second, the declaration provides a
3 convoluted explanation as to the knowledge forming the basis of the declaration. What is clear,
4 however, is that counsel cannot have “personal knowledge” of the individual members’ citizenship
5 because that determination is based on their personal intentions. *See, e.g., id.* (“The natural person’s
6 state citizenship is then determined by her state of domicile, not her state of residence. A person’s
7 domicile is her permanent home, where she resides with the intention to remain or to which she intends
8 to return”).

9 Accordingly, the Court again **ORDERS** Defendant LV Real Estate Strategic Investment Group,
10 LLC to file, no later than May 18, 2016, “declarations based on personal knowledge identifying each
11 of [its] members and their citizenship.”

12 IT IS SO ORDERED.

13 DATED: May 13, 2016

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17 NANCY J. KOPPE
18 United States Magistrate Judge
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